

Amendment under 37 C.F.R. § 1.111
U.S. Application No. 10/098,508

REMARKS

Claims 1-18 have been examined. Claims 13-18 have been rejected under 35 U.S.C. § 101 and claims 1-18 have been rejected under 35 U.S.C. § 102(b).

I. Preliminary Matters

The Examiner has not acknowledged the drawings filed on March 18, 2002. Accordingly, Applicant respectfully requests the Examiner to indicate, in the next Office Action, whether or not the drawings are acceptable.

II. Rejection under 35 U.S.C. § 101

The Examiner has rejected claims 13-18 under 35 U.S.C. § 101, as allegedly being directed to non-statutory subject matter. Accordingly, Applicant has amended claims 13-18 in a manner believed to overcome the rejection.

III. Rejection under 35 U.S.C. § 102(b) over WO 94/28683 to Gell et al. ("Gell")

The Examiner has rejected claims 1-18 under 35 U.S.C. § 102(b) as allegedly being anticipated by Gell (cited in May 6, 2002 Information Disclosure Statement).

A. Claims 1, 13 and 16

The Examiner alleges that the long distance operators 2a, 2b, 2c of Gell disclose the claimed service unit and the processor 14 discloses that claimed electronic agent. As set forth,

however, in claim 1, it is the electronic agents that submit offers in response to a prompt. Accordingly, the processor 14 of Gell fails to disclose the claimed electronic agent since Gell teaches that the processor 14 actually performs the *selection* of the received price signal offers from each of the long distance networks 2a-2c (pg. 9, lines 3-11). In other words, it is the long distance networks 2a-2c that submit offers in response to a prompt, rather than the processor 14.

For further clarification, Gell discloses that the processor 14, of the local network 1a-1c, polls the long distance networks 2a-2c. The processor 24 of the long distance networks 2a-2c sets the price and sends the price to the processor 14, which then selects one of the long distance networks 2a-2c. According to claim 1, however, electronic agents interact with a service unit within the framework of an electronic marketplace, with the electronic agents being each assigned to a network operator and each making decisions. As all negotiations of the price take place within the framework of an electronic marketplace, the traffic load is reduced compared to the prior art disclosed by Gell.

At least based on the foregoing, Applicant submits that claims 1, 13 and 16 are patentable over the cited reference and respectfully requests the Examiner to reconsider and withdraw the rejection.

B. Claims 2-4 and 6-12

Applicant submits that claims 2-4 and 6-12 are patentable at least by virtue of their dependency upon claim 1.

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C. Claim 5

Claim 5 recites that, “the service unit successively alters one or more of the conditions, respectively associated with prompts, until one of the electronic agents submits an offer.”

The Examiner maintains that page 13, lines 17-26 of Gell disclose the above features. As set forth therein, however, it is the processor 314 (i.e., a type of service unit), that actually adjusts the received price messages. In other words, the pricing devices 320a-320c (i.e., alleged electronic agents) have already submitted offers and the processor 314 (i.e., a type of service unit) then adjusts the received price offers to take into account quality of service, etc., and picks the lowest adjusted price. Thus, there is no teaching or suggestion of the processor 314 (i.e., a type of service unit) successively *altering* conditions until an electronic agents submits an offer, as set forth in claim 5.

In view of the above, Applicant submits that claim 5 is patentable over the cited reference.

D. Claims 14, 15, 17 and 18

Since claims 14, 15, 17 and 18 are dependent upon one of claims 13 or 16, Applicant submits that such claims are patentable at least by virtue of their dependency.

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IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

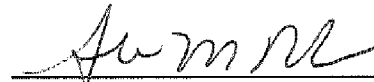
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Date: May 17, 2007